

***REGULAR CITY COUNCIL MEETING***

**March 3, 2008**

**6:00 P.M.**

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M.  
Roll call taken by Sally G. Garley, City Manager.

***PRESENT:***

Ronnie Torres, Mayor  
David Lopez, Councilor  
Jeff Trembly, Councilor  
Rudy Jaramillo, Councilor  
Terese Ulivarri, Mayor Pro-Tem

***CITY STAFF:***

Sally G. Garley, City Manager  
Audrey Torres, Procurement Specialist  
Mike Chavez, Police Chief  
Andrew DiCamillo, P/Z Director  
Manny Garcia, Fire Chief

***STUDENT LIASION:***

Alexis Gutierrez

***OTHERS:***

Norman McDonald, P.A., City Attorney  
Jackie Schlotfeldt, VCNB  
Gilbert Tabet, Circle T  
Alice Chavez, Citizen  
Albert Chavez, Citizen  
Barney Sais, Citizen  
Lily Tabet, Citizen  
Gloria Trujillo, Citizen  
Nino Trujillo, Citizen  
Gloria Sanchez, Citizen  
Anthony Baca, Citizen

***PLEDGE OF ALLEGIANCE:***

Mayor Ronnie Torres asked Herman Tabet to lead the pledge of allegiance.

***APPROVAL OF AGENDA:***

Mayor Ronnie Torres requested approval of tonight's agenda. Councilor Rudy Jaramillo so moved to approve. Councilor Jeff Trembly seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: February 18, 2008***

Mayor Ronnie Torres requested approval of the minutes for February 18, 2008. Councilor Jeff Trembly so moved to approve the minutes. Councilor Rudy Jaramillo second the motion, motion carried.

***CITIZENS PETITIONS:***

Mayor Torres read the next agenda item citizen petitions, and asked if there were any citizen petitions:

1. Gloria Sanchez wanted to announce that the ten thousand pound limestone, from the Pentagon, has arrived, special thanks to Tim Lardner of NM Travertine. The limestone arrived on the 31<sup>st</sup> of January. Prior to the delivery we were only able to see it in photos. She wished to thank Julie Baca for her time and extensive emails she made in order to justify the City of Belen receiving the limestone. There was pictorial proof sent that showed the 911 Memorial Park. The process for pictorial engraving will be a digital process which will be explained at a later date. The process has been used at the Kennedy Space Center, Niagra Falls and Los Alamos it is supposed to be weather proof and graffiti proof. This 911 Memorial Park has taken a long time.
2. Anthony Baca approached council and said "I wanted to come up and ask a few months back I had asked the group to give him a deadline on when they were going to complete this project out in this Heart of Belen has anyone come up with an answer on when it is complete"?

Sally Garley said "we had given our Attorney direction to contact the two pending contractor and subcontractor which he already has and we are hoping to get a response from them before we can actually finish or close out the project so it is probably that I can't even give you a deadline"

Anthony Baca, "don't you feel that by not giving an answer to the public that's like mismanaging, like you know, since the beginning we talked about this, mismanagement of this project, you know we've asked for the documentation we can't receive it and have one excuse after the other. It is a publicly funded project you should have an answer. If not it is just mismanagement"

Mayor Ronnie Torres said: "as soon as we get an answer from the Attorney we will have an answer for you"

City Attorney Norm McDonald said: "Anthony if I could just intervene

Anthony Baca, “we should have cleared this thing up months ago.”

Norman McDonald, there is a dispute between the contractor and a subcontractor and there’s funds being held pending them resolving their dispute and we have given the notice of the deadline to resolve their dispute, if they end up in court, the actual construction, I don’t know if it is completed or not. I know the fiscal part of it is unresolved because of this dispute between a contractor and a sub”

Anthony Baca;”last thing we heard was there was a punch list that hadn’t been taken care of. Now if you go into business and you start building your business you give them a certain amount of time to complete it and you manage the project, you don’t let it drag out, it’s not your money to let them drag out, it’s not, so why does this group mismanage that, because I am gonna basically say your mismanaging this project, you need to look at this for what it is”

Norm McDonald; “we can’t prevent other parties from having disputes between themselves”.

Anthony Baca; “but think about it, in the real world, if that was a business it would be resolved already.”

Norm McDonald; “no we can’t make them resolve the differences that they have, two different corporations have with each other”

Anthony Baca; “okay” the reason this project needs to be looked at is because there’s some things that were done inappropriately, you know I went to the State CID there’s not one state CID permit pulled on this project, not one state CID, with Federal and State Funding. Now my little building across the street has nineteen permits and inspections and I didn’t have to wait three and one half years I don’t have to resolve any of it I just said this is what I need I get it done and it is over with you know, when I see something like that it’s just mismanagement, we’ve talked about this before I brought, in the past, there’s other entities that have come up and asked for some kind of resolution to it, you know. We keep seeing things that are one project after the other the City that seems to mismanage, maybe not from your group, because I’ll be honest with you the only one I respect at this table is this man right here (pointing to City Councilor Rudy Jaramillo). Right not I have a group of people that state they are supposed to be representing the community. Now if you go up and down Main Street and see the carnage of dead business you’ll see that this group isn’t real concerned with business”

Mayor Ronnie Torres; “okay now, can you stick to what you were asking, what you were asking for that thing,

Anthony Baca; “fine”

Mayor Ronnie Torres: “we don’t have it”

Anthony Baca: “okay”

Mayor Ronnie Torres: “yet as soon as we have it we will get it to you”

Anthony Baca: “okay and we’re talking about other things ”

Mayor Ronnie Torres: “what other things”

Anthony Baca, I personally think are being mismanaged. You know you have one project after the other that I could look at the Library you know the other day, you know that’s great you guys like getting awards and patting each other back because you got the Library okay. You shut down businesses down here without any notification by turning off their water. But it doesn’t affect you, you go home and you sit there and you drink your beer. But it affects the businesses in this community”

Mayor Pro-Tem Terese Ulivarri; “excuse me I beg to differ”

Unable to transcribe too many individuals speaking out of turn.

Anthony Baca: “there have been three or four times when the water was off for two days at a time that’s mismanaging the project.

Mayor Ronnie Torres: “okay Anthony can you get to what you wanted to talk us about”

Anthony Baca: “I’m asking for what are you gonna do so that we have this professionally done. Now if we have an entity when you manage a project so that it’s not

Mayor Ronnie Torres: “we’ve already tried to answer that question”

Anthony Baca: “no you haven’t tried to answer it I keep getting the same, the same”

Mayor Ronnie Torres: “what else, what else can we help you with”

Anthony Baca: “okay lets go talk about business look up and down Main Street you guys real proud of what I see ads in the paper you know there’s people running “oh” look at the

Mayor Ronnie Torres: “no no no we want to know your concern we don’t want to

Anthony Baca: “my concern is what are you going to do to start helping businesses in this community versus running them off.

Mayor Ronnie Torres: “okay we are not running anyone off”

Anthony Baca: “there was fourteen businesses that left Belen in last year and seventeen the year before but we keep building projects, that doesn’t help those don’t draw gross receipts. What draws gross receipts make a town grow is business coming in okay. But if you have an entity that (unable to transcribe) something is being mismanaged why would they want to come to Belen”

Mayor Ronnie Torres: “okay now you are accusing people of doing some stuff, I don’t want to hear that so what else can we help you with

Anthony Baca: “okay you don’t what to have to hear it”

Mayor Ronnie Torres: “no no no is there something else that you want to tell us about. You are not going to stand up here and attack the Council:

Anthony Baca: “I’m not attacking the Council” I’m saying this group here is mismanaging or somebody is not doing their job”

Mayor Ronnie Torres: “excuse me you can either put it in writing because if you’re not going to tell us ask us any questions you can put it in writing”

Anthony Baca: “you don’t answer in writing Ronnie”

Mayor Ronnie Torres: “we are already done”

Anthony Baca: “I’m addressing it with you as a man okay, as a man I am addressing to you

Mayor Ronnie Torres: “you know what you need to sit down”

Anthony Baca: “your job is to protect the stability”

Mayor Ronnie Torres: “Anthony”

Anthony Baca: “no don’t talk to me that way, I’m addressing some issues”

Mayor Ronnie Torres: “I’ll have to ask you to leave”

Anthony Baca: “oh you’re gonna ask me to leave

Mayor Ronnie Torres: “yes”

Anthony Baca: “oh man you’re just a tough guy Ronnie”

Terese Ulivarri: “you know what Anthony you’re not getting to any point.

Mayor Ronnie Torres: “you not even asking us for something”

Anthony Baca: “these projects are being mismanaged and you are allowing...”

Terese Ulivarri: “wait I have a question for you”

Mayor Ronnie Torres: “no no no no”

Anthony Baca: “you have to-manager to be accountable”

Terese Ulivarri: "Anthony I have a question for you"

Anthony Baca: "I don't need your question"

Terese Ulivarri: "well you're asking us questions but you're not allowing us to answer anything"

Anthony Baca: "go ahead and ask me"

Terese Ulivarri: "where are you getting this mismanagement from"

Anthony Baca: "huh"

Terese Ulivarri: "where where"

Anthony Baca: "my business alone is being attacked by this lady (pointing to City Manager Sally G. Garley) right here consistently I can imagine how many other businesses are being attacked"

Terese Ulivarri: "give us a for instance"

Anthony Baca: "a for instance they keep trying to fill in an alley behind my building and flood my building"

Terese Ulivarri: "you keep digging holes back there that are not supposed to be there"

Anthony Baca: "I have heard her on the phone attacking a third year employee of the City saying you fill that pond and my building has been there longer than any of these buildings"

Terese Ulivarri: "did you move the dirt behind it to start to make that mess that you've got, you've created your own mess"

Anthony Baca: "oh I've created my own mess"

Terese Ulivarri: "yes you did"

Anthony Baca: "you know what, you know that's the problem with it you talk a lot but you don't have any substance Tinky"

Terese Ulivarri: "well you don't have any substance"

Anthony Baca: "I do"

Terese Ulivarri: "what's your substance"

Anthony Baca: "I'm running a business and she's trying to harm my business"

Unable to transcribe to many individuals talking out of turn

Mayor Ronnie Torres: “we had a meeting with your father the other day we discussed this whole thing”

Anthony Baca: “my dad has tried political with you I don’t want to be political with you I want you to do the right thing and leave my business alone”

Mayor Ronnie Torres: “we have talked with your Dad”

Anthony Baca: “I want you to leave my business alone”

Mayor Ronnie Torres: “we are not doing anything with your business”

Anthony Baca: “oh you’re not doing any thing huh”

Mayor Ronnie Torres: “we are not doing anything with your business”

Anthony Baca: “when I had a sign professionally put up here you told me you were going to get a variance for it and a month later I am being attacked and then go after the Manager of Big O.

Mayor Ronnie Torres: “you did something that was illegal Anthony”

Anthony Baca: “you told me I could do it”

Mayor Ronnie Torres: “you did something that was illegal”

Anthony Baca: “this came out of Ronnie Torres okay and I did something illegal, you know it’s funny it’s illegal when it’s me but your little buddy at the end of town you let him do whatever he wants.

Mayor Ronnie Torres: “okay Anthony you know we are not going to do this”

Anthony Baca: “no we are not going to do this but you know what that’s a man of respect, I do not respect you, you guys are public officials you are supposed to be accountable to the public”

Mayor Ronnie Torres: “that’s it, that’s it Anthony”

Anthony Baca: “oh, we are done you know if this was normal it’s a City Council I’d take you outside the four of you and beat the snookers out of you okay, but I am sick of you, I’m telling you I am sick of you”

Mayor Ronnie Torres: “so you threatening everybody”

Anthony Baca: "I'm telling the four of you I am sick of you because you're not doing what the voters telling you. You guys form little clicks around here so that you can vote in whomever you want.

Mayor Ronnie Torres: "you know, can we have him removed"

Anthony Baca: "you know I'll walk out okay you don't need Mike"

Mayor Ronnie Torres: "we have a restraining order already against you from this building"

Anthony Baca: "oh really you're so smart you know they asked me to sue the City of Belen and I said you know what its coming out of City property not out of you"

Mayor Ronnie Torres: "Anthony can you please leave"

Anthony Baca: "I'm leaving kiss my rear end"

Mayor Ronnie Torres said "I apologize to you folks for having to listen to that. Do we have anybody else for a citizen's petition?"

Herman Tabet said "I didn't come here to say anything but that was out of order and I don't think my mother and I appreciate to hear something like that but when somebody comes in here like that you should just have the Chief escort him out. He is a friend of mine but I am embarrassed that he comes in here and makes an ass out of himself, and I know you don't drink beer Mayor"

Mayor Ronnie Torres asked if there was anybody else with a citizens petition: Lisa Torres asked a question on the early voting issue with the social security numbers were the date of births included is there anything being done about that or do we have a list of who those were given to.

Mayor Ronnie Torres advised that we actually have, actually the people those were given to, was the gentleman that just left it's a group that's called Our Tomorrow. It is Anthony Baca, Jerah Cordova, Diane Mattson and B. Paul Ortega. They have come in and have asked for thirty one items from the City. It is constant harassment, we have given them information, just like we did today this is an example of what our City Employees have to go through all the time. They came in and asked for some information about early voter stuff like that it is public information so one of our employees gave it to him. It happen to have the social security numbers on there, which we called, talked to attorneys, talked to the Attorney General and they said it probably would have been best had they not been on there but they were given out because a lot of this information had already been given out because we had gone through a lawsuit a couple of years before. So it was not illegal for them to have the social security numbers, what is illegal is what they do with it. So when we talked to the Attorney General we told him we felt we were being harassed and he said you absolutely are. So he has instructed us to have a letter from our Attorney go to this group to see of we can get them to back off from the City because this is just constant harassment and constant attack.



We did go to the guy and asked him for the information back because my name is on there also, so is my wife and my children's information and all of the social security numbers are on there. It is a shame that any man who should have any kind of back bone, or person of honor should have automatically given that information back. If I had taken something and it had a individuals personal information on it I would have said "here take it back I don't want it I don't want to be responsible for any of this information", but he refuses to give it back. It is unbelievable why, I don't know what he want to do with it. We have already told him it is illegal, you know, you should not have it because a lot of peoples' sensitive information is on there. It is a shame that we even have to "ask" for the information back. But to sum up everything there is nothing illegal about having the information it is what you do with that information that makes it illegal.

Norm McDonald, City Attorney advised Lisa that the request was made for inspection for a public record and the law requires the public body, the City of Belen, within fifteen days to produce a copy of the public record, and, that was produced, verbatim, a copy right out of City's files. It turns out it did contain social security numbers, it was not obvious from the paperwork that they were social security numbers because there was a column of numbers that did not have a heading saying "social security numbers" and all the numbers were run in together in two lines so it wasn't like three digits then a dash and two digits and a dash. None the less had the City blocked out those numbers and given it to the gentlemen who requests them he would say you failed to produce the public record verbatim the way it is in your files, so it was produced. The Bureau of Elections has a new policy saying if you give those out you should block out those numbers, they weren't blocked out and we have asked him to give them back we've told him that if he disseminates those to third parties and someone's identity is stolen then it is on him, because he would have distributed them to the third party. He said he did not want that information but he would not give them back. So were contemplating, well we have given him a deadline to return the documents or we will ask for a court to enter a restraining order in joining him from distributing those to third parties. But the City was in a no win situation; you produce the public record as is and then they say you shouldn't have given us this information that we asked for.

Lisa Torres said then you have asked for the information back but there are so many people out there that can sell that information for money. I just think it is out of hand.

Norm McDonald, City Attorney advised Lisa that only one person requested it and only one person received it from the City. What he has done with that we don't know.

Lisa Torres said she just does not want that situation to happen again. Mayor Ronnie Torres agreed. Lisa said that is her identity and everybody else that voted early, she does not know what was done so that this won't happen again or if there is a way to print these out without that information. It does not take a scientist to figure out that they forgot to put the dashes in there.

Mayor Ronnie Torres advised that steps are being taken so that does not happen again. In fact, in the block, where they ask for the social security number we are asking individuals to put their date of birth just to make sure no one gets the social security numbers.

Lisa said it would be a good thing to just take the social security number out of there altogether.

City Manager, Sally G. Garley advised that the County is aware of the issue after the 2006 election and now all they are identifying now is the last four digits. So you do not have the full social security number on there. The documents that were given to this individual were records from the County Clerks Office that had gone through the court process.

Lisa advised that all this stuff was out in the paper and it would be nice to have a follow up so that everyone could read it has been resolved. She is busy and cannot always make it to these meetings but she had to come this time. She again requested a follow up from the paper because there are a lot of people who are concerned.

Mayor Ronnie Torres advised the City had people calling who do not even live in Belen but had identity theft in the past and wondering if their name was on there, but the name was not on there.

Mayor Ronnie Torres asked if there was anyone else with a citizen petition, no further petitions were presented.

***PROCLAIM MARCH 8, 2008 “LILY BACA TABET DAY”: Mayor Ronnie Torres***

Mayor Ronnie Torres read the next agenda item to proclaim March 8, “Lily Baca Tabet Day” in the City of Belen. Mayor Ronnie Torres advised there was a lady in the audience and he wished to read the proclamation aloud to her. The proclamation was read aloud a copy of which is attached hereto and made an integral part of these minutes by reference.

Mayor Ronnie Torres joked with Lily and said “if we only looked half as good as you at half your age” and laughed. Mayor Torres presented Lily Baca Tabet with her proclamation.

Mayor Ronnie Torres asked Lily if she had any advise on how to keep us living longer, how do you do it. Lily said she just goes on a little at a time. Her son, Herman Tabet, said he wanted to let us in on a little secret, he has been calling her mother since his dad died he calls her at 7:00 at night and at 6:00 in the morning, he has to get up early to do that, and his mother goes to mass everyday but Saturday and sometimes when it is too cold he tells her “mother it is cold out so don’t go outside”, so she doesn’t go. I tell her there is ice on the street don’t go you’re going to get into a wreck so she doesn’t go. But she listens to the TV to the masses to the rosary but she does go. Lily wanted to thank all of us. Mayor Pro-tem Terese Ulivarri joked with Lily and told her she is still alive to keep Herman in line. Lily laughed.

***INFORMATIONAL ITEMS:***

### ***CITY MANAGERS REPORT:***

City Managers report is attached hereto and made an integral part of these minutes by reference.

### ***COMMUNICATIONS FROM CITY COUNCIL:***

**Councilor David Lopes:** advised he wanted to start off by saying Happy Birthday to Lily he sees her cruising up and down the street so she is still doing good. It is unfortunate that we all had to hear Mr. Baca's comments, he and the Mayor have met personally with him trying to help in their flooding problems with their place of business. We have gone through a tremendous expense to make sure the City is in compliance with everything we should be in and we have. We have met to try to come to an agreement to resolve his problems, but they don't tell you that part they just tell you the accusations towards the Council here, hopefully we can resolve it and change his ways.

Economic Development is one of the things the City strives to push forward. He sees property that hasn't been sold but then he also sees Nino's signs that say sold so it is moving but as a whole nation wide America is in a hurt right now hopefully we can pull out of this situation in the near future.

He attended a head start meeting, he is the City of Belen liaison, between the Valencia County head start program and the City of Belen they are going through transitions with the board so we have a one hour seminar once a year by a lady who is the leader to assure that boards and councils to everything proper not to get sued or any type of accusations that a council may have to deal with. He was pleased to realize the City of Belen has gone above and beyond as far as compliance and that is good to know.

The Aragon Bridge project is really looking good, don't know if anyone has been by there but it is nice.

**Mayor Pro-Tem Terese Ulivarri:** the library was dedicated and she got to sit by the Cat in the Hat which was pretty cool. That building is really nice if you have not had a chance to go see it you need to go even if you don't check out a book, there is a nice Coffee Shop in there too and they have good stuff.

There was a stars dedication here yesterday, but she will let the Mayor discuss that. But more than anything congratulations Lily it is a pleasure to see you every time. Good luck tomorrow to Jeff and Rudy and happy birthday to Jeff you are 55?

**Mayor Ronnie Torres:** there was one of the dedications yesterday at the Heart of Belen where we honored six individuals for the positive things they have done for the community. We have people a lot of times that question different things that go on and they knock the City for different things, but we also have some fantastic citizens who do the positive stuff, who never

stop thinking of what to do for the community to keep it positive and do positive things and keep the history alive and focus all their energy to positive stuff.

It is so great Maggie McDonald has done so many different books with the history of Belen she has captured a lot of the local history and without her a lot of that history would have been lost. Same with Dr. Richard Melzer who also got a star he has also printed books and talks along with Maggie at the Harvey House on the City of Belen.

Then we had Luz Chavez who is doing the pastorella (passion play) she had one endless hours of volunteer for the Chamber of Commerce, she is a citizen who always did so many things.

Ken Gibson who is continually planting things throughout our town he is always weeding different medians in town, he just goes out and cleans them up and puts in things and some say maybe that is a City employees job or it is this or that, and he says he wants to make it look good and he does and he does it for free no strings attached. He does a lot of the landscaping at the Harvey House.

We had Filomena Baca who has also done a lot of work on the pastorellas and that is a play that we have had here for many many years, they have taken it all over the state. She has also done so many things. Maureen McMillan is 80 years old and still volunteers at the Harvey House every single day and she gives tours. It is great that there are so many people who have done so many positive things for this community that it is fitting to have a permanent star in recognition.

The library grand opening went fantastic we had a good showing there a lot of people. Please everyone go take a look at it there is a spot for the young adults, for the kids the internet for citizens. We had a nice compliment from a lady who was looking for a book she said she went to Bosque Farms to Los Lunas and of course it was the Belen Library who had a book still and it is fantastic. The whole facility looks great and the staff is always willing to help you. So we encourage people to go there get a cup of coffee and read a book and enjoy the library. Again Happy Birthday Lily and also to Jeff.

**Councilor Jeff Trembly:** admitted he was fifty five and said if he looked any where near as young as Lily in ten years he would be happy. Lily you are a big asset to this community and congratulations. Lots going on tomorrow for Rudy and me, get out and vote weather is supposed to be good. The Library was fun, it is so neat that everyone can use the library from people who come in the summer to visit to people from all over NM who come visit family here. That is not a pat on the back folks that is almost a mandatory thing to have a nice library in your community and we do and it takes a lot to get one of those in your town. It is a great asset on Becker Street.

**Councilor Rudy Jaramillo:** congratulations Lily, since he has been a little kid he knew Lily, Herman was his neighbor when he was growing up and been around you his whole life and congratulations, well deserved. Jeff also happy birthday we get up there quick. He remembers playing little league with Jeff seems like it was only yesterday. Here we are with kids and grandkids and a little bit of everything in our lives.

A little mention on what happened yesterday on those that received the honor of a star the Mayor mentioned that these people do things, they are behind the scenes not asking for recognition they go on their own time their own volunteer two of the people were not able to attend because they were already committed doing something else for the community that is how much involved they are always even when they are being recognized.

The Library is for everyone to use from around the county or around the state just drop by it is a facility that is well planned with a Coffee Shop in there and I wish the gentlemen all the luck in the world with that endeavor, it is hard to get in a business and I really hope that those people make good out there. Tomorrow pick the candidate of your choice and vote.

**Alexis Gutierrez:** just wanted to wish Happy Birthday to Lily and Mr. Trembly. March 4<sup>th</sup> there is going to be a softball versus Socorro, March 7<sup>th</sup> boys and girls basketball, March 11<sup>th</sup> there is going to be the first annual golf meet in Belen.

***ADJOURNMENT:***

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Rudy Jaramillo moved to adjourn this meeting. Councilor David Lopez seconds the motion, motion carried.

ss/  
Ronnie Torres, Mayor

ATTEST:

ss/  
Sally G. Garley, City Manager